



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tupler et al.
Serial No. : 10/686,491
Filed : October 14, 2003
Title : METHODS OF DETECTING AND TREATING FACIOSCAPULOHUMERAL
MUSCULAR DYSTROPHY

Art Unit : 1646
Examiner : Unknown

MAIL STOP MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed April 20, 2004 (copy enclosed), applicants claim small entity status (see 37 CFR 1.27) and submit herewith the following:

- ☒ A check in the total amount of \$698 for payment of the basic filing fee (\$395), payment of the additional/multiple dependent claims fees (\$238), and payment of the surcharge for late filing of the basic filing fee and declaration (\$65);
- ☒ A signed Declaration in compliance with 37 CFR §1.63;
- ☒ Formal drawings that comply with the size requirements and are clear and in permanent ink. The formal drawings contain the same material as the drawings on deposit;
- ☒ A Petition for Five Months' Extension of Time;
- ☒ A check in the total amount \$1,040 for payment of the extension fees; and
- ☒ A Sequence Listing, Verified Statement, and diskette containing an electronic copy of the Sequence Listing.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 12, 2004
Date of Deposit

Scott Barnett
Signature

Scott Barnett
Typed or Printed Name of Person Signing Certificate


Applicant : Tupler et al.
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Attorney's Docket No.: 07917-180001 / UMMC 03-18

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 07917-180001.

Respectfully submitted,

Date: 11-10-2004



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IFW

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/686,491	10/14/2003		07917-180001

26161
 FISH & RICHARDSON PC
 225 FRANKLIN ST
 BOSTON, MA 02110

CONFIRMATION NO. 3543

FORMALITIES LETTER



OC000000012394325

Date Mailed: 04/20/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/16/2004 HMARZ11 00000067 10656491

FILED UNDER 37 CFR 1.53(b)

01 FC:2001	395.00 OF
02 FC:2051	65.00 OF
03 FC:2202	16.00 OF
04 FC:2201	220.00 OF

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 11A-C.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after

September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$233** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$683** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$233**
 - **\$215** for **5** independent claims over 3.
 - **\$18** for **2** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE